

**NITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ALEX CORTEZ BENSON,

Civil No. 08-148 JNE/SRN

Plaintiff,

v.

ORDER

**STATE OF MINNESOTA,
RAMSEY COUNTY, and
JOAN FABIAN, Commissioner
of Corrections,**

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated April 22, 2008. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's Application to Proceed Without Prepayment of Fees, (Docket No. 2), is **DENIED**; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

DATED: May 27, 2008

s/ Joan N. Ericksen
Judge Joan N. Ericksen
United States District Court Judge